

Remarks

Claims 1, 9, 10, 12, 14, and 15 were amended to better distinguish applicants' invention from the prior art references cited in the Office Action. Claim 17 was amended to correct a mistake. The specification describes the channel cover 14 as "horizontal" in paragraphs 35 and 36. Paragraph 37 states that the pour trough 20 extends "vertically upward". The drawings also show a generally vertical liquid control trough having a generally vertical convex exterior surface and a generally horizontally extending channel cover. The limitations added to claims 12, 14, and 15 are likewise found in the specification and drawings of the application as originally filed. There is no "new matter" in the amended claims.

The Office Action rejected claims 1-11 and 16 as unpatentable under 35 U.S.C. 103(a) over Pool U.S. 4,240,568 in view of Balson U.S. 5,161,689. Pool discloses a pouring spout to assist in pouring a liquid from a container including a body having a top opening circumscribed by an annular gutter 72 formed by opposed inner and outer side walls 73, 74, as shown in Figure 7. The pouring spout 122 shown in Figure 11 includes a ledge 113 for covering the gutter 72 after a lid is removed from the container, thereby to prevent liquid from dripping into the gutter 72 (col. 7, lines 4-6). As shown in Figure 6, the pouring spout 122 and its pouring lip 124 extend substantially horizontally. The specification (col. 7, lines 31-32) states that the "Pouring lip 124 is formed by a substantially horizontal surface 125 extending outwardly from proximate the terminal edge 120 of rim 119..."

Balson discloses a rim seal for use with containers for paint having an upstanding rim at one end and a groove located radially inwardly of the rim. The rim seal is provided with a series of circumferentially spaced inwardly directed ramps 48 of generally oval shaped configuration which define pouring spouts directing a stream of paint, as described at col. 8, lines 14-22 and as shown in Figures 12 and 13.

Neither Pool nor Balson discloses a vertical liquid control trough extending upwardly of a channel cover, as described in amended claim 1. The vertical orientation of applicants' liquid control trough enables it to be inverted into a downwardly extending stored position as shown in Figures 6-10 and described in paragraph 38 of the specification. Such inverted placement is not possible with Pool's horizontal pour spout or with Balson's oval ramps in a rim seal. Applicant's invention of a liquid control trough in an inverted stored position did not occur to either Pool or Balson. Accordingly the invention of amended claims 1-20 is not rendered "obvious" by any valid combination of Pool with Balson.

Amended dependent claims 9-11 further limit the invention of claim 1 in ways distinguishing from Pool and Balson. Amended claims 9 and 10 state that the liquid control trough has a generally vertical convex exterior surface. Claim 11 requires a display of graphic matter on the vertical exterior surface. Amended claims 9-11 are clearly allowable over the prior art of record.

The Office Action rejected claims 12-14 as unpatentable over Pool in view of Balson and in further view of Mueller, Jr. U.S. 4,811,865. Mueller discloses a container 1 provided with an upstanding threaded flange 2 bordering an outlet 3 in a molded plastic cap 7. In the stored position shown in Figure 2 a spout 13 extends downwardly of the outlet 3, interiorly of the container side wall 1. In the position shown in Figure 4 the spout 13 extends upwardly of the cap 7.

Amended claim 12 requires a liquid control trough extending adjacent to an exterior of the container body. As discussed above, when Mueller's spout is inverted for storage as shown in Fig. 2, the spout extends inwardly of the can. Neither Pool nor Balson suggests inverting a liquid control trough to extend exteriorly of a container body as required in claim 12. Accordingly, amended claim 12 clearly distinguishes applicant's invention from Mueller, considered singly or combination with Pool and Balson.

Claim 15 was rejected under 35 U.S.C. 103(a) as unpatentable over Pool in view of Balson and in further view of Simon U.S. D369,975. Simon's Figures 1-6 show a pull tab extending radially outwardly of a container rim protector. Pool and Balson fail to disclose a pull tab. Amended claim 15 is clearly allowable over Simon, whether considered alone or along with Pool and Balson.

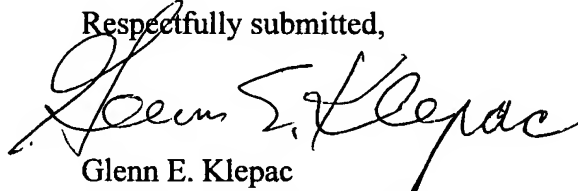
Claims 17-19 were rejected under 35 U.S.C. 103(a) as unpatentable over Pool in view of Balson and in further view of Holben U.S. 4,784,260. Holben discloses an article carrier designed for carrying motor oil containers. The carrier is provided with loops which are releasably secured to upper ends of the containers, webbing interconnecting the loops, and a spout extending between the containers and the loops to serve as a handle for the carrier. In an alternative embodiment discussed at col. 5, lines 7-12, the article carrier can be of a one-piece molded construction and the webbing can be molded in one piece and bonded or mechanically joined to the nozzle to form a unitary assembly. Holben fails to disclose an article carrier comprising a plurality of pour spouts attached to adjacent pour spouts by a connector integrally formed with the pour spouts as required in applicants' claim 17. The invention of claims 17 and dependent claims 18-20 is clearly allowable over Holben, considered alone or in combination with Pool and Balson. It would not be "obvious" to modify Holben's article carrier as suggested in the Office Action because Holben's patent claims all require "releasable securing means releasably secured to upper ends of the containers" (claim 1) or "releasable securing means in the form of flexible loops" (claim 10). Holben's patent claims actually teach away from the integrally formed connectors and pour spouts of amended claim 17.

Dependent claim 20 further limits the invention of claim 19 by stating that applicants' pour spout includes a shaft and a plurality of blades extending radially outward of the shaft, and that the shaft may be connected with an electric drill. The Office Action rejected claim 20 as unpatentable over Pool in view of Balson and Holben, and in further view of Stiffler U.S. 4,083,653. Stiffler discloses a stirring device employing a hub 11 supporting 5 radially extendable fins 22, 23, 24 compactly nested to enter a bung opening of a drum. The hub 11 is mounted on a shaft 12 connected to an

electric drill 36 as shown in Fig. 6. Stiffler fails to disclose connectors or a stir paddle integrally formed with a pour spout as required in claims 17 and 19. The invention of claim 20 is allowable over Stiffler, considered in any valid combination with Pool, Balson, and Holben.

Applicant requests early notice of allowance of amended claims 1-20.

Respectfully submitted,



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Certificate of Mailing

I hereby certify that this Amendment A and the accompanying pages entitled "Claims Listing" and "Amended Paragraph 35" are being deposited with the United States Postal Service in an envelope with sufficient postage as first class mail addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on June 30, 2005.

Signed: 

Glenn E. Klepac

Date of Signature: June 30, 2005